

EXHIBIT 1

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
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Plaintiff's Attorney:

Chad Schatz
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CV2022-003220

Plaintiff:

Gerado Ayala
2701 East Camelback Road Suite 140
Phoenix, AZ 85016

Defendants:

U.S. Xpress, Inc.

Nathanael Young

Jane Doe Young

Discovery Tier t2

Case Category: Tort Motor Vehicle
Case Subcategory: Non-Death/Personal Injury

AZTurboCourt.gov Form Set #6624723

6/10/22

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IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

GERADO AYALA, Individually;

Plaintiff,

vs.

NATHANAEL YOUNG and JANE DOE
 YOUNG, Individually and as Husband and
 Wife; U.S. XPRESS, INC., a Nevada Company;
 JOHN DOES I-X and JANE DOES I-X,
 individually and/or as husband and wife;
 BLACK CORPORATIONS I-X; and WHITE
 LIMITED PARTNERSHIPS I-X,

Defendants.

No. CV2022- CV2022-003220

COMPLAINT

(Tort/Motor Vehicle –
 Non-Death Injuries)

Plaintiff, by and through counsel undersigned, for his Complaint hereby alleges as follows:

JURISDICTIONAL ALLEGATIONS

1. The events that form the basis for this complaint occurred within Maricopa County, Arizona, and venue in this court is proper pursuant to A.R.S. § 12-401.
2. The damages sought in this matter are within the original jurisdiction of this court.

PARTIES

3. Plaintiff currently resides in Phoenix, Maricopa County, Arizona.
4. Upon information and belief, Plaintiff alleges that at all times relevant, Defendants

1 Nathanael Young and Jane Doe Young are married and residents of Maricopa
2 County, Arizona.

3
4 5. Defendant, U.S. Xpress, Inc., is a Nevada corporation, duly authorized to do
5 business, and, on information and belief, currently doing business in the County of
6 Maricopa, State of Arizona.

7
8 6. Defendant John Doe Driver and Jane Doe Driver, on information and belief, are
9 husband and wife and were acting on behalf of their marital community.

10 7. Defendants John Does I-X and Jane Does I-X are individuals and/or married couples
11 whose identities are presently unknown to Plaintiff, and so are sued under an alias.
12 The names of Defendants John and Jane Does will be substituted when the
13 Defendants names are learned. Defendants John and Jane Does, if married, at all
14 times relevant hereto acted for and on behalf of their marital community.

15
16 8. Defendants Black Corporations I-X and White Limited Partnerships I-X are
17 corporations, limited partnerships, limited liability concerns, or other business
18 entities, either chartered within Arizona or authorized to do business in the State of
19 Arizona, but whose identities are presently unknown to Plaintiff, and so are sued
20 under an alias. The names of Defendants Black Corporations I-X and White
21 Limited Partnerships I-X will be substituted when learned.
22
23

24 **GENERAL ALLEGATIONS**

25 9. Plaintiff realleges and incorporates herein by this reference the allegations in
26 Paragraphs 1 through 8 of his Complaint as though expressly set forth herein.

27
28 10. On or about March 20, 2020, Plaintiff was operating his 2012 Cadillac CTS at the

1 time of the subject collision.

2 11. On or about March 20, 2020, Defendant Young was operating a 2020 Freightliner
3 Truck, under the custody and control of Defendant U.S. Xpress, Inc.
4

5 12. At all times relevant hereto, on information and belief, Defendant Young was
6 operating in the course and scope of his employment as an employee and as the
7 agent of Defendant U.S. Xpress, Inc.
8

9 13. At all times relevant hereto, on information and belief, Defendant Young was
10 driving a truck owned by and under the custody and control of Defendant U.S.
11 Xpress, Inc.
12

13 14. At all times relevant hereto, Defendant Young had permission to drive the vehicle
14 from Defendant U.S. Xpress, Inc.

15 15. At all times relevant hereto, Defendant Young failed to operate the vehicle he was
16 driving in a reasonable, prudent, and safe manner, in accordance with, and
17 respecting of Arizona's traffic laws, and so as not to create a hazard to others.
18

19 16. At all times relevant hereto, Defendant Young failed to operate the truck with
20 reasonable safety and without interfering with Plaintiff, causing a collision with
21 Plaintiff.
22

23 17. At all times relevant hereto, all Defendants acted for and on behalf of their marital
24 community, as applicable.

25 18. Defendants, and all of them, caused certain acts to occur on or about March 20,
26 2020, in Maricopa County, Arizona.
27

28 19. Defendants caused Plaintiff to suffer harm in an amount qualifying this matter as a

Tier 2 case.

COUNT I – NEGLIGENCE

20. Plaintiff realleges and incorporates herein by this reference the allegations in Paragraphs 1 through 19 of his Complaint as though expressly set forth herein.
21. On or about March 20, 2020, Plaintiff was operating his 2012 Cadillac CTS and making a right turn off southbound 63rd Avenue onto westbound Van Buren Street from the right turn lane in Phoenix, Maricopa County, Arizona.
22. At the same time and place, Defendant Young was operating Defendant U.S. Xpress, Inc.'s vehicle and attempting to make a right turn off southbound 63rd Avenue onto westbound Van Buren Street from the left turn lane in Phoenix, Maricopa County, Arizona.
23. Defendant Young failed to yield to Plaintiff who was already in the act of turning right, from the correct lane, which caused a collision with the Plaintiff's vehicle.
24. Defendant Young owed a duty of care to Plaintiff to operate the vehicle in a reasonable and prudent manner to avoid colliding with Plaintiff.
25. Defendant Young, breached that duty of care to Plaintiff, causing the collision and causing bodily injury to Plaintiff by failing to exercise due care in the operation of the vehicle.
26. At all times mentioned herein, Defendant U.S. Xpress, Inc. negligently hired and/or engaged Defendant Young.
27. At all times mentioned herein, Defendant U.S. Xpress, Inc. negligently granted Defendant Young permission to drive the vehicle for which they were responsible

and operating.

28. At all times mentioned herein, Defendant U.S. Xpress, Inc. failed to adequately supervise Defendant Young.

29. At all times mentioned herein, Defendant Young was driving the vehicle for which Defendant U.S. Xpress, Inc. was responsible in an unlawful, negligent, and reckless manner.

30. As a result of the collision caused by Defendants' negligence, Plaintiff suffered injury.

31. As a result of the collision caused by Defendants' negligence, Plaintiff also incurred expenses for medical treatment and expenses for related treatment and care as a result of injuries sustained in this collision, and will continue to incur such expenses in the future.

COUNT II – NEGLIGENCE PER SE

32. Plaintiff realleges and incorporates herein by this reference the allegations in Paragraphs 1 through 31 of his Complaint as though expressly set forth herein.

33. A.R.S. § 28-774 is a statute enacted for the safety of motorists on the roadway.

34. Defendant Young improperly operated the vehicle in violation of A.R.S. § 28-774, and is negligent *per se*.

35. Defendant U.S. Xpress, Inc. is liable under the doctrine of Respondent Superior for the actions of their employee and is negligent *per se*.

36. Defendants owed a duty of care to Plaintiff, along with other motorists on the roadway, to operate the vehicle for which they were collectively responsible in a

reasonable and safe manner, in accordance with, and respecting of Arizona's traffic laws, and in a manner that did not create hazard for motorist on the roadway.

37. Defendants' breach of that duty of care constitutes violation of A.R.S §28-774.

38. This violation was the direct and proximate cause of Plaintiff's injuries and damages.

RESPONDEAT SUPERIOR

39. Plaintiff realleges and incorporates herein by this reference the allegations in Paragraphs 1 through 38 of his Complaint as though expressly set forth herein.

40. At all times mentioned herein, Defendant Young was in the course and scope of his employment and/or engagement with Defendant U.S. Xpress, Inc.

41. Defendant U.S. Xpress, Inc. is liable under the doctrine of Respondent Superior for all injuries and damages caused by Defendant negligent actions.

NEGLIGENT SUPERVISION

42. Plaintiff realleges and incorporates herein by this reference the allegations in Paragraphs 1 through 41 of his Complaint as though expressly set forth herein.

43. As the employers of Defendant Young, Defendant U.S. Xpress, Inc. had a non-delegable duty to monitor, train, supervise, and control Defendant Young's actions, to prevent him operating the vehicle for which they were responsible in a manner so as to cause risk to the public.

44. Defendant U.S. Xpress, Inc. breached that duty directly, proximately causing Plaintiff's injuries and damages.

NEGLIGENT ENTRUSTMENT

45. Plaintiff realleges and incorporates herein by this reference the allegations in Paragraphs 1 through 44 of his Complaint as though expressly set forth herein.

46. Defendant U.S. Xpress, Inc., because they were responsible for the vehicle driven by Defendant Young at the time of the collision, knew, or should have known, that Defendant Young was prone to the use of reckless driving habits.

47. Defendant U.S. Xpress, Inc., nevertheless, entrusted the vehicle and keys to the vehicle, as well as the right to use the vehicle, to Defendant Young.

48. Defendant U.S. Xpress, Inc.'s negligent entrustment of the vehicle for which they were responsible to Defendant Young was the direct and proximate cause of Plaintiff's injuries and damages.

WHEREFORE, Plaintiff prays for Judgment against Defendants, and all of them, as follows:

- A. For general damages;
- B. For special damages;
- C. For Plaintiff's expenses incurred for past medical care and treatment of Plaintiff's injuries for future medical for future medical treatment expenses;
- D. For Plaintiff's expenses driving to doctor appointments;
- E. For Plaintiff's past and future lose wages;
- F. For reasonable attorney's fees and costs;
- G. For interest at the statutory rate; and
- H. For such other and further relief as this Court deems just and proper.

LERNER & ROWE, P.C.,

- 8 -

Person/Attorney Filing: Chad Schatz
Mailing Address: 2701 East Camelback Road Suite 140
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E-Mail Address: kkeenan@lernerandrowe.com
[☐] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 027212, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Gerado Ayala

Plaintiff(s),

v.

U.S. Xpress, Inc., et al.

Defendant(s).

Case No. CV2022-003220

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Chad Schatz /s/
Plaintiff/Attorney for Plaintiff

Person/Attorney Filing: Chad Schatz
Mailing Address: 2701 East Camelback Road Suite 140
City, State, Zip Code: Phoenix, AZ 85016
Phone Number: (602)977-1900
E-Mail Address: kkeen@lernerandrowe.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 027212, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Gerado Ayala
Plaintiff(s),

Case No. CV2022-003220

v.

U.S. Xpress, Inc., et al.
Defendant(s).

SUMMONS

To: Nathanael Young

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *March 15, 2022*

JEFF FINE
Clerk of Superior Court

By: *MICHAEL FARROW*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.



Notice of Service of Process

null / ALL
Transmittal Number: 25047544
Date Processed: 06/10/2022

Primary Contact: Nathan Harwell
USXPRESS Enterprises
4080 Jenkins Rd
Chattanooga, TN 37421-1174

Electronic copy provided to: Cathy Anchondo
Megan Welton

Entity: U.S. Xpress, Inc.
Entity ID Number 3372665

Entity Served: U.S. Xpress, Inc.

Title of Action: Gerado Ayala vs. Nathanael Young

Matter Name/ID: Gerado Ayala vs. Nathanael Young (12425658)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Maricopa County Superior Court, AZ

Case/Reference No: CV2022-003220

Jurisdiction Served: Arizona

Date Served on CSC: 06/06/2022

Answer or Appearance Due: 20 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Lerner & Rowe, P.C.
602-977-1900

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

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